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SUBJECT: STONING SENTENCES IN KEBBI, SOKOTO; GON BEGINS SHARI'A LAW REFORM

REF: (A) ABUJA 1046

Classified by Ambassador Howard F. Jeter, reasons 1.5 (b) and (d).

1.(C) Summary: For a variety of reasons, religious fervor has escalated in parts of Northern Nigeria recently. Shari'a courts in two states have added to the tense atmosphere by issuing two sentences of stoning. A man was sentenced to death by stoning in September in Kebbi state after being convicted of sodomy on a minor. That death sentence was followed by one issued in Sokoto October 10. Based upon conversations with Governors of both states, it appears neither sentence will be carried out. To bring uniformity and to prevent excesses, the FG is currently drafting a model Shari'a criminal code. The northern governors support for the FG's efforts which could minimize the harsh judgments passed by local Shari'a judges. End Summary.

12. (C) Regarding the Kebbi sentence, Gov. Aleiro told Poloff that the stoning sentence of Attahiru Umar would be overturned by a review committee, even though the perpetrator did not appeal. Aleiro even said that he planned to revise Kebbi's Shari'a statute to repeal traditional "Hudud" death sentences.

3.(C) The Sokoto death sentence is more disturbing: a woman, Safiya Hussaini, was convicted of adultery after she was turned in by neighbors in her village. The Alkali judge, Muhammed Bello, viewed her pregnancy as conclusive proof of adultery, even though procedural requirements for this drastic sentence demand four competent witnesses to the act. Hussaini accused an elderly man of fathering the child, and the man allegedly confessed to three police officials. The Alkali decided three witnesses to the confession were inadequate to convict the man, but convicted Hussaini based on her marital status (divorced) and the her pregnancy. Sokoto Governor Attahiru Bafarawa told Poloff recently that there would be no more "extreme" punishments meted out by Shari'a courts in his state. Bafarawa has also instituted a Shari'a review committee that routinely quashes inhumane sentences for procedural or legal irregularities. This should apply with even greater effect to sentences of death by stoning. Helping matters procedurally, Ms. Hussaini has appealed her sentence. The appeal could finally bring the constitutionality of "Hudud" punishments, such as stoning and amputation, before Nigeria's Supreme Court.

14. (C) In a meeting with PolCouns and Poloff October 22, Political Advisor to the Vice President, Dr. Usman Bugaje, described the FG's efforts to bring uniformity to the states' Shari'a statutes. A committee of Shari'a legal scholars at the Nigerian Institute for Islamic Legal Studies at Ahmadu Bello University in Zaria is drafting a model Shari'a code that will eventually be adopted by any state wishing to have criminal Shari'a courts for Muslims. The proposed law will incorporate Shari'a procedural protections, which most Alkali judges currently ignore, according to Bugaje.

15. (C) Bugaje said the Committee was meeting with political activists who have championed Shari'a in the various Northern states, who siezed this issue to gain power, relevance, and perhaps, government jobs. Bugaje said the Committee needed to educate the activists about Shari'a. He hoped that this education by the scholars would moderate these politicized activists, bring them around to support Shari'a law reforms, and a uniform code.

16. (C) Comment: The FG's efforts to develop a uniform Shari'a code hopefully will help reduce the number of the egregious sentences coming out of the states. (Current state laws differ and some are internally inconsistent.) The GON also hopes that the shrillness of Shari'a proponents will be moderated during this protracted drafting process. However, while this process slowly inches forward, the air in many areas of Northern Nigeria has been ionized, partly because of the increased focus on religion and Shari'a. It was perhaps

a matter of time that some of the more traditional Shari'a courts would reflect a more truculent mood. Moderate northern governors (except Sani of Zamfara) say privately that they will prevent the extreme sentences from being implemented. While the governors' statements are somewhat reassuring, the appearance of these harsh sentences remains disquieting and bears monitoring. End Comment.  
Jeter